

SENATE BILL REPORT

SSB 5285

As Passed Senate, January 25, 2008

Title: An act relating to residential services and support enforcement standards.

Brief Description: Concerning residential services and support enforcement standards.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senator Keiser; by request of Department of Social and Health Services).

Brief History:

Committee Activity: Health & Long-Term Care: 1/24/07, 1/29/07 [DPS-WM].
Ways & Means: 2/12/07, 3/2/07 [DPS(HEA)].
Passed Senate: 1/25/08, 49-0.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5285 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Carrell, Fairley, Kastama, Kohl-Welles, Marr and Parlette.

Staff: Rhoda Donkin (786-7465)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5285 as recommended by Committee on Health & Long-Term Care be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom.

Staff: Chelsea Buchanan (786-7446)

Background: The Department of Social and Health Services (DSHS) is authorized to use an array of regulatory sanctions when certain service providers, such as adult family homes and boarding homes, fail to meet certain standards. Intermediate enforcement sanctions such as fines are used to initiate quick correction of regulatory violations.

2006 legislation applied enforcement standards and sanction authority to contracted service providers for the Community Protection Program for people with developmental disabilities.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

This program serves about 400 people per year. Sanctions are authorized for failure to comply with the requirements of the contract, refusal to cooperate with the certification process, preventing or interfering with an inspection or investigation, or failure to comply in other ways applicable to the service contract or state law. Sanctions can include decertification, suspension of referrals, and fines of up to \$150 per day per violation. The legislation did not apply to other contracted service providers doing similar residential services for other people with developmental disabilities.

Summary of Substitute Bill: The 2006 legislation is re-enacted. The Legislature intends that it apply to all residential services and support providers. The maximum daily fine of \$150 per violation is reduced to \$100 per day.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill (Health & Long-Term Care): PRO: This allows the state to take immediate action when service providers are failing to comply with contract requirements. This authority was passed last year regarding service providers in the community protection program.

OTHER: The daily fine should be reduced from \$150 to \$100.

Persons Testifying (Health & Long-Term Care): PRO: Joyce Stockwell, DSHS.

OTHER: Robbin Naylor, Community Residential Services Association.

Staff Summary of Public Testimony (Ways & Means): None.

Persons Testifying (Ways & Means): No one.